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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,664	09/12/2000	Adam G. Southam	1399.001US1	6127

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EXAMINER

CHAMPAGNE, DONALD

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/659,664

Applicant(s)

SOUTHAM ET AL.

Examiner

Donald L. Champagne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102 and 35 USC § 103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 7-9, 12-14, 17-19, 21, 24, 30-37, 39-40, 43 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al.
4. Logan et al. teaches (independent claims 1 and 30) a system and method for exposing users to advertisements, the method comprising: obtaining a user specific set of data, *user data 143*, prior to distributing a media package (col. 5 lines 9-19); selecting a number of advertisements from a data bank *135* containing a plurality of advertisements based on the user specific set of data (col. 4 lines 15-27, col. 24 line 1 to col. 25 line 31, and col. 9 lines 41-57); and combining the selected number of advertisements with a requested set of media content to form a media package (*download compilation file 145*), and distributing the media package (col. 5 lines 19-36 and col. 15 lines 35-41).
5. Logan et al. also teaches (independent claims 9 and 39) an Internet user (col. 1 line 52) and localized data with geographically appropriate advertisements based on the obtained localized data (col. 9 lines 27-29), which, when inherently applied to the Internet, reads on with an appropriate geographic group of advertisements.
6. Logan et al. also teaches (independent claims 19 and 45) that the requested set of media content includes media content which has been previously distributed (col. 13 lines 45-55).

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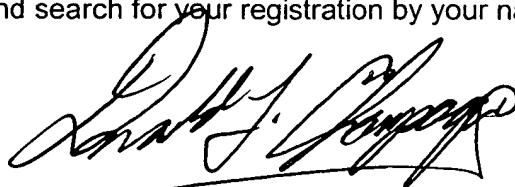
7. Logan et al. also teaches at the citations given above claims 2-3, 14, 31-34 and 37. Logan et al. also teaches claims 7 (col. 13 lines 3-20), 8 (col. 10 lines 3-4), 12 (col. 6 lines 48-51, col. 25 lines 4-14), 13, 17-18 and 40 (col. 25 lines 26-31 and col. 9 lines 41-57), 21 (col. 8 line 66), 24 and 43 (col. 14 lines 43-44), 35 (col. 29 lines 63 to col. 30 line 7) and 36 (col. 6 lines 48-51).
8. Claims 4-6, 10-11, 15-16, 20, 22-23, 25-29, 38, 41-42, 44 and 46-50 are rejected under 35 U.S.C. 103(a) as being obvious over Logan et al.
9. Logan et al. does not teach (independent claims 25, 47 and 48, and dependent claims 4-5, 15-16, 23, 26, 28, 42, 46 and 49) a network including a regional broadcast station and syndicated media content. Because these are obvious sources of the information and entertainment programming taught by the reference invention for its library consisting of a large number of diverse programs (col. 1 lines 39-47), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add a network including a regional broadcast station and syndicated media content to the teachings of Logan et al.
10. Logan et al. does not teach (claims 22, 27, 41 and 50) that the ads are regional or national. As noted in para. 9 above, because these are obvious sources of the information and entertainment programming taught by the reference invention for its library consisting of a large number of diverse programs (col. 1 lines 39-47), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add both regional and national ads to the teachings of Logan et al.
11. Logan et al. does not teach (claim 6) displaying ads as frames. Because this is the most common means for displaying ads on the Internet, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the display of ads as frames to the teachings of Logan et al.
12. Logan et al. does not teach (claims 10, 29 and 44) a global positioning system. Logan et al. does teach a mobile receiver (col. 6 lines 18-32). Because GPS permits more precise geographic targeting of ads and provides the user with other benefits, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add GPS to the teachings of Logan et al.

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13. Logan et al. does not teach (claims 11, 20 and 38) acquiring user data from an ISP or driver's license databases. Because both a readily available sources of good user characterization data, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the acquisition of user data from an ISP or driver's license databases to the teachings of Logan et al.

Conclusion

14. **COPY of REFERENCES** - Applicant is entitled to receive a copy of every reference cited by the examiner (except at allowance; MPEP 707.05(a)). Applicant should contact the examiner if a completed form PTO-892 is enclosed, but the cited references are not.
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 703-308-3331. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 703-746-5536.
16. The examiner's supervisor, Eric Stamber, can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.
17. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, www.uspto.gov. At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.



Donald L. Champagne
Examiner
Art Unit 3622

28 September 2003